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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/791,056  | 03/02/2004  | Jean-Louis Desjoyaux | 1759.155            | 2862             |
| 23405   | 7590        | 07/06/2006           | EXAMINER            |                  |
| HESLIN ROTHENBERG FARLEY & MESITI PC<br>5 COLUMBIA CIRCLE<br>ALBANY, NY 12203 |             |                      |                     | A, PHI DIEU TRAN |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 3637                 |                     |                  |

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/791,056             | DESJOYAUX ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Phi D. A               | 3637                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_ is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) \_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. ____ .   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/06 has been entered.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the profile 1k as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawing does not clearly illustrate the profile/bead 1k as the drawings show only a view of the structure, and the view is insufficient to demonstrate the structure.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Benvenuto et al (5687526) and Graham (3039575).

Desjoyaux shows panels for producing swimming pools, each panel having a prefabricated structure (1) comprising a flat surface of rectangular overall shape and delimited by a peripheral frame comprising planar vertical flanges (1b) and horizontal flanges (1c), each flange extending from a respective edge of the flat surface (figure 1) wherein one of the planar vertical flanges has spaced apart, distributed over its height fixing arrangements (1j2) to collaborate with complementary arrangements (1k) on an other vertical flange of an adjacent panel, the fixing arrangement comprise anchoring tabs (1j2) formed in a thickness of the one planar vertical flange to be engaged in longitudinal centering and guiding shapes(1k) belonging to the other flange, an internal face of the structure is equipped directly at the time of its manufacture with studs having a head and a centering part able to collaborate with necked

apertures exhibited by an independent reinforcing element acting as wall tie and hollow shaft for pouring of concrete, the studs and apertures being distributed over the entire height of the structure, a profile shape (figure 3, the part which extends beyond the flange from which part 1j1 extends) provided along an entire height of the vertical flanges protrudes beyond one of the vertical flanges at a level of said flat surface of the structure to ensure sealing once the tabs are engaged, the profile shaped comprising a bead resulting from an additional thickness of material.

Desjoyaux does not show the tabs extending coplanar with the one planar vertical flange, the tab each has on an outwardly oriented face anchoring roughness able to collaborate with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes constitute longitudinally spaced apart wells or sleeves extending entirely away from an edge of the flat surface such that the sleeves are entirely located on an opposite side of the panel relative to the flat surface, and a longitudinal cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring roughness so that when the tabs have been engaged in the sleeves by a bearing force exerted in a plane parallel to the vertical flanges, a wedging effect is produced for imbricating the roughness.

Benvenuto et al shows a tabs (103, figure 4, figure 13) extending coplanar with the one vertical flange (54), the tab each having an outwardly oriented face, centering and guiding shapes (101) constitute longitudinally spaced apart wells or sleeves extending entirely away from an edge of the flat surface such that the sleeves are entirely located on an opposite side of the panel relative to the flat surface (39), a longitudinal cross section of the wells or sleeves corresponds approximately to that of the tabs.

Graham (figure 4) shows tab (18) has on its outer face anchoring roughness (36-38) able to collaborate with complementary roughness (30-34) after engagement of the said shapes to ensure non-dismantleable self-locking, the tab cooperating with the centering and guiding shapes (20, 22, 32), a longitudinal cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of an outwardly oriented bearing surface of the other flange from which the sleeves or wells are formed having the complementary anchoring roughness (30-34) so that when the tabs have been engaged in the sleeves by a bearing force exerted in a plane parallel to the vertical flanges, a wedging effect is produced for imbricating the roughness.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux to show the tabs extending coplanar with the one planar vertical flange, the tab each has on an outwardly oriented face anchoring roughness able to collaborate with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes constitute longitudinally spaced apart wells or sleeves extending entirely away from an edge of the flat surface such that the sleeves are entirely located on an opposite side of the panel relative to the flat surface, and a longitudinal cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring roughness so that when the tabs have been engaged in the sleeves by a bearing force exerted in a plane parallel to the vertical flanges, a wedging effect is produced for imbricating the roughness because having a centering and guiding shape forming wells or sleeves extending entirely away from an edge of the flat surface, anchoring tabs extending coplanar with the vertical flange would enable the quick, secure and spaced anchoring of panels together as taught by Benvenuto et al, and having

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tabs with anchoring roughness to mate with roughness in the wells or sleeves, a longitudinal cross section of the wells or sleeves being approximately of the tabs would ensure the secure, easy fastening of the adjacent panels together as taught by Graham.

Per claim 2, Desjoyaux as modified further shows the anchoring roughness comprises a number of straight and parallel very closely-packed teeth of a gullet tooth type per the teaching of Graham.

Per claim 3, Desjoyaux as modified shows the anchoring tabs result from two parallel cut-outs formed at right angles from a longitudinal edge of the one flange, the cut-outs extending through a full depth of the one flange, a length of the tab being less than a width of the one flange per the teaching of Benvenuto et al

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Benvenuto et al (5687526) and Graham (3039575) as applied to claim 1 above and further in view of Taylor et al (4514104).

Desjoyaux as modified shows all the claimed limitations except for a free end of the anchoring tabs being chamfered.

Taylor et al (figure 2) shows a free end of the anchoring tabs being chamfered to allow for the easy connection and locking of panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show a free end of the anchoring tabs being chamfered as taught by Taylor et al because having a chamber/tapering surface at the beginning of a tab member would allow for easy insertion of the tab into an opening as the chamber/tapering surface would function as a guide for insertion.

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4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Benvenuto et al (5687526) and Graham (3039575).

Desjoyaux as modified shows all the claimed limitations except for a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical direction, of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical direction, of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels because it is well known in the art that having only one tab and openings of closed dimension within a multiple of tabs and openings ensure the easy assembly of panel parts together, while reducing cost as the large tolerance between the multiple of mating parts allow for less manufacturing cost and ease of manipulation of the mating parts together, and the one precise coupling parts ensure the proper fastenings of the parts together.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Benvenuto et al (5687526) and Graham (3039575).

Desjoyaux as modified shows all the claimed limitations except for the structure being obtained directly by injection moulding of a plastic.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the structure being obtained directly by injection moulding of a plastic because injection moulding of plastic is a well known process for forming plastic, and using plastic in a swimming pool environment would enable the wall to avoid the rust factor over the long term which could create leakage.

6. Claims 9-13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Benvenuto et al (5687526), Taylor et al, and Graham (3039575).

Desjoyaux shows panels to produce a swimming pools after juxtaposition assembly wherein each panel is made up of a prefabricated structure (1) comprising a flat surface of an overall rectangular shape delimited by a peripheral frame comprising vertical flanges (1b) and horizontal flanges (1c), the juxtaposition of the panels to produce the swimming pool is made by interconnecting vertical flanges of adjacent panels (per the parts 1js and part 1k), one flange of each vertical panel has distributed over its height, fixing tabs (1j2), an other vertical flange of each panel has spaced apart sleeves (1k), the entire sleeves are entirely located on an opposite side of the panel relative to the flat surface, the tabs are configured to be engaged in the sleeves of an other vertical flange of an adjacent panel, a bead (figure 3, the part which extends beyond the flange from which part 1j1 extends) formed at the juncture of the one and the other vertical flanges with the flat surface of said structure to form a sealing profile after engagement of the tabs in the sleeves, a bead resulting from an additional thickness of material, an internal face of the structure is equipped directly at the time of the manufacture with studs having a head and a centering part able to collaborate with necked apertures exhibited by an independent reinforcing

element acting as wall tie and hollow shaft for pouring of concrete, the studs and apertures being distributed over the entire height of the structure.

Desjoyaux does not show each tab resulting from two parallel cut-outs formed perpendicularly from a free edge of the one flange, the sleeves projecting from a free longitudinal edge delimiting an internal cross section corresponding to a cross section of the tabs, a length of the tabs being less than a width of the one flange, the tabs having flat cross section, an internal cross section delimited by edges of the sleeves are rectangular, the anchoring and complementary asperities comprising a number of straight and parallel very closely-packed teeth of a gullet tooth type and a free end of the tabs are chamfered.

Benvenuto et al shows a tabs (103, figure 4, figure 13) resulting from two parallel cut-outs formed perpendicularly from a free edge of the one flange, sleeves (101) projecting from a free longitudinal edge delimiting an internal cross section corresponding to a cross section of the tabs, a length of the tabs being less than a width of the one flange, the tabs having flat cross section, an internal cross section delimited by edges of the sleeves are rectangular.

Graham (figure 4) shows tab (18) has on its outwardly oriented face anchoring asperities cooperating after engagement of the tabs in the sleeves with complementary asperities formed directly on part of the other vertical flange.

Taylor et al (figure 2) shows a free end of the anchoring tabs being chamfered to allow for the easy connection and locking of panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux to show each tab resulting from two parallel cut-outs formed perpendicularly from a free edge of the one flange, the sleeves projecting from a free

longitudinal edge delimiting an internal cross section corresponding to a cross section of the tabs, a length of the tabs being less than a width of the one flange, the tabs having flat cross section, an internal cross section delimited by edges of the sleeves are rectangular, the anchoring and complementary asperities comprising a number of straight and parallel very closely-packed teeth of a gullet tooth type and a free end of the tabs are chamfered because having each tab resulting from two parallel cut-outs formed perpendicularly from a free edge of the one flange, the sleeves projecting from a free longitudinal edge delimiting an internal cross section corresponding to a cross section of the tabs, a length of the tabs being less than a width of the one flange, the tabs having flat cross section, an internal cross section delimited by edges of the sleeves are rectangular would enable the quick, secure and spaced anchoring of panels together as taught by Benvenuto et al, and having tabs with the anchoring and complementary asperities comprising a number of straight and parallel very closely-packed teeth of a gullet tooth type would ensure the secure, easy fastening of the adjacent panels together as taught by Graham, the tab having a chamber/tapering surface at the beginning of a tab member would allow for easy insertion of the tab into an opening as the chamber/tapering surface would function as a guide for insertion.

Per claim 10, Desjoyaux as modified further shows the anchoring roughness comprises a number of straight and parallel very closely-packed teeth of a gullet tooth type per the teaching of Graham.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Benvenuto et al (5687526), Graham (3039575), and Taylor et al.

Desjoyaux as modified shows all the claimed limitations except for a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves or

wells except for a sleeve situated at an upper part of the structure, considered in a vertical direction, of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show a longitudinal width of the anchoring tabs being less than a longitudinal width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical direction, of which a longitudinal width of its internal section corresponds approximately to a longitudinal width of the tabs so as to allow heightwise adjustment of the panels because it is well known in the art that having only one tab and openings of closed dimension within a multiple of tabs and openings ensure the easy assembly of panel parts together, while reducing cost as the large tolerance between the multiple of mating parts allow for less manufacturing cost and ease of manipulation of the mating parts together, and the one precise coupling parts ensure the proper fastenings of the parts together.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Benvenuto et al (5687526), Taylor et al, and Graham (3039575).

Desjoyaux as modified shows all the claimed limitations except for the structure being obtained directly by injection moulding of a plastic.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the structure being obtained directly by injection moulding of a plastic because injection moulding of plastic is a well known process

for forming plastic, and using plastic in a swimming pool environment would enable the wall to avoid the rust factor over the long term which could create leakage.

*Response to Arguments*

9. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different panel anchoring means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A